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CENTRAL FAX CENTER**OCT 31 2007****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Benjamin J. Parker)	Group Art Unit: 2623
Serial No.: 10/004,396)	Confirmation No.: 5884
Filed: 11/15/2001)	Examiner: Omar S. Parra
For: Centralized IP Video Gateway With Port)	Atty. Docket: 1692(15725)
Extenders Having Remote Control Interfaces)	

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 CFR §131

I, Harley R. Ball, hereby declare that:

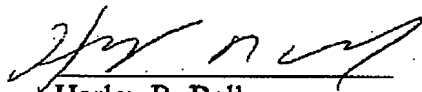
1. I am Vice President - Intellectual Property of Sprint Nextel Corporation and I have managed intellectual property in the Sprint Law Department from prior to May, 2001, until the present. I am a registered attorney before the U.S. Patent and Trademark Office with registration no. 31,733.
2. The lead inventor, Benjamin J. Parker, of the subject application is unavailable because he is no longer employed by Sprint.
3. I am aware of U.S. patent application publication 2006/0080707 of Laksono (which claims benefit to a filing date of May 24, 2001) that is being used as a basis for a rejection of the above patent application by the U.S. Patent and Trademark Office.
4. Prior to May 24, 2001, the invention as described and claimed in the subject application was completed in the United States by Sprint, as evidenced by the following.
5. Prior to May 24, 2001, the inventors of the subject application reported their invention in Invention Disclosure No. 1692 (submitted herewith as Exhibit #1). The

inventive central gateway and port extenders of claims 1-15 are shown and described in Exhibit #1. The inventors reported that the invention was "ready for commercialization" in response to question 4 of Exhibit #1. Furthermore, question #5 demonstrates that a confidential contractual relationship existed between Sprint and Motorola prior to May 24, 2001, related to "opportunities to produce and market this product," which further demonstrates that the inventors already possessed a completed invention. In view of the detailed drawings and use of established building blocks within the invention, the description is such that one skilled in the art would reasonably consider the invention to have been completed without a need for further reduction to practice or experimentation.

6. Each of the dates deleted from Exhibit #1 are prior to May 24, 2001. As shown at the top of page 1, the disclosure was docketed by Timothy A. Nehls ("TAN") on a date prior to May 24, 2001. Mr. Nehls was the docketing clerk working under my supervision. The disclosure has been maintained without alteration as an official record of the Law Department since the date logged in by Mr. Nehls. The obscured dates provided by the inventors for the earliest written description and for the date of the creation of the invention disclosure precede the obscured docketing date.

7. In response to receiving Invention Disclosure 1692, the invention was promptly evaluated, outside counsel was assigned, and an application prepared, all within the normal timeframes established by Sprint for processing its patent applications.

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application identified above or any patent issued thereon.


Harley R. Ball



Date

EXHIBIT #1

Sprint Law Department Docket No.: 1692

Outside Patent Counsel Docket No.: _____



DOCKETED

Date: _____

By: TAN

CONFIDENTIAL

INVENTION DISCLOSURE FORM

This invention disclosure form is being submitted to the Sprint Law Department for the purpose of obtaining an opinion regarding this invention or for the purposes of securing legal services related to this invention. This invention disclosure is confidential and is an attorney-client privileged legal communication.

Attached are instructions that correspond to each of the numbered questions

Date: _____

1. Title of Invention: IP Video Gateway and Port Extender and Remote Control Interface

2. Summary of the Invention:

The IP Video Gateway provides a low cost solution to the problem of providing television access to up to four televisions within a home without having a set top box on each television. The gateway works in conjunction with an ION RISH or any broadband service provider's modem.

This system would provide up to two Ethernet Interfaces to the network (DSL, Cable Modem, etc) which would accept IP encoded video signals, processing them for transmission over the Coax cables installed in the users home. The system has the ability to support the recording and pausing of full motion video for each of the individual televisions. A port extender is used to provide up to three USB and one Firewire interface, plus one RF receiver used for the remote control. The port extender is connected to the gateway via either CAT 5 or 802.11B in conjunction with DHCP to simplify installation and is installed next to the television.

3. Earliest written description of the invention (by date and location) (attach a copy):

4. Is the invention ready for commercialization? (circle) ☒ Yes ☐ No

If No, describe status of the invention:

5. Either previously or in the future do we plan to disclose or offer the invention to anyone, or to work with other companies in the invention development?

(circle) ☒ Yes ☐ No

If Yes: Date(s) _____

To Whom and for what purpose: Motorola, to discuss the opportunities to produce and market this product.

Sprint Law Department Docket No.: _____

Outside Patent Counsel Docket No.: _____



Is there any agreement that covers the disclosure, offer or work, such as a non-disclosure agreement (NDA), services or development agreement?

If "Yes", please attach a copy of the agreement.

Yes

6. Describe existing products, systems or information that are related to your invention. (external and internal). This should include any publications, patents and other information that describe items similar to your invention. Attach copies if available:
Set Top Box,
TiVo
Replay TV
Personal Video Recorder
7. What advantage(s) does the invention have as compared to the existing products?
Today, to have access to cable TV or Video on Demand there must be a set top box associated with each TV. With this system, up to four TV's can access the Internet, VoD, PPV, and IP TV network. The reduces operating costs and improves Sprint's ability to compete in the highly competitive video market.
8. What problem(s) does the invention solve?
1. Reduces consumer entry cost,
 2. Improves Sprint's ability to compete in the market,
 3. Provides a computer substitute for Internet Access,
 4. Reduces network loading through the use of multicasting within the Gateway, and
 5. Eliminates the need for a VCR,
9. Please provide a detailed description of the invention:
(Attach technical reports, design documents, DRS, TRS, tables, equations, etc. Drawings and sketches are particularly useful. For software inventions please provide a flow chart of all software routines.)

10. Inventor Information and Signature:

Full Name: Ben Parker Signature: _____
Home Address: 9212 W. 100th Street Overland Park, KS 66212 _____
Home Phone: 913-649-7711 Work Phone: 913-534-6548 _____
Wireless (PCS): 408-396-3209 Fax No.: _____
Social Security No.: 530-35-1750 Job Title/Group: Sr. Network Design Engineer _____
Supervisor: Reg Morrison E-mail address: benjamin.j.parker@mail.sprint.com _____
Citizen of what country? USA _____

Full Name: Shane Werner Signature: _____
Home Address: 8400 West 131st Place Apt 833 _____
Home Phone: (913) 814-9615 Work Phone: (913) 534-6637 _____
Wireless (PCS): _____ Fax No.: _____
Social Security No.: 507-19-4167 Job Title/Group: Network Design Engineer I _____
Supervisor: Ben Parker E-mail address: shane.r.werner@mail.sprint.com _____
Citizen of what country? USA _____

Full Name: Chuck Diaz Signature: _____
Home Address: 12160 Plainsman Drive _____
Home Phone: (314) 989-9731 Work Phone: (913) 534-6621 _____
Wireless (PCS): (314) 406-9195 Fax No.: _____
Social Security No.: 551-84-4311 Job Title/Group: Sr. Design Engineer/Architect _____
Supervisor: Ben Parker E-mail address: chuck.x.diaz@mail.sprint.com _____
Citizen of what country? USA _____

Full Name: Terry M. Frederick Signature: _____
Home Address: 13719 W. 82nd Terrace / Lenexa, KS 66215 _____
Home Phone: 913-541-8480 Work Phone: 913-534-6270 _____
Wireless (PCS): _____ Fax No.: _____
Social Security No.: 511-58-8790 Job Title/Group: Sr. Design Engineer/Architect _____
Supervisor: Ben Parker E-mail address: terry.m2.frederick@mail.sprint.com _____
Citizen of what country? USA _____

Non-Sprint Potential Inventor(s) Only: what company do you work for and who at Sprint do you report to?
Chuck Diaz – Yoh Technical, Ben Parker
Terry Frederick – Iconnix, Ben Parker

For additional inventors, please attach a separate page.

Sprint Law Department Docket No.: _____

Outside Patent Counsel Docket No.: _____



11. Reviewed and understood by:

Name: _____

Signature: _____

Date: _____

Return this form and any attachments to:

Timothy A. Nehls, Intellectual Property Administrator
8140 Ward Parkway, SW
Kansas City, MO 64114
Phone: (913) 624-6885
Fax: (913) 624-6388
Mailstop: MOKCMP0506
E-mail: OpenMail

Instructions for Completing the Invention Disclosure Form

The Invention Disclosure Form should be completed and submitted promptly after conception of any idea that solves or appears to solve a problem. The questions included on the form are described below.

1. **Title of the Invention**

The title should be short but descriptive and enable immediate identification of the nature and substance of the invention. Specific titles are preferred over generic ones.

2. **Summary of the Invention**

In two or three sentences briefly describe the key points of the invention.

3. **Earliest written description of the Invention**

It may be important in future evaluations of the invention to know the earliest date for which written evidence of the invention exists. Therefore, it is important to identify the date and location of this written evidence. This may take the form of a laboratory notebook page, a report or any other written form. If possible, a copy of this earliest description of the invention should be attached to the Invention Disclosure Form.

4. **Is the Invention ready for commercialization**

This information will allow those reviewing the Invention Disclosure to assess how far along the invention is towards commercialization. If the invention is not ready for commercialization, its status should be described, e.g., pilot studies or bench work.

5. **Has the Invention been disclosed or offered to anyone**

It is extremely important that you provide information about disclosures of the invention. For example, these disclosures could be through development activities, discussions with potential suppliers, or in conferences presentations or publications. We need to know if the invention has been disclosed by Sprint or by others. Similarly we need to understand if the invention is being offered to others. This most often occurs through the sale of Sprint services where the invention is used to provide services. Finally, if any person who is not a Sprint employee has been or will be involved in the development, we need to understand their activity and the contractual relationship, if any, with Sprint.

6. **Describe existing products, systems or information that are related to your invention**

We cannot over emphasize the importance that you provide information about similar technologies. This might be information that you heard about at conferences, or read in articles or patents. If your patent is an improvement to existing systems, we need to understand the existing system. Upon filing for a patent you will be required to sign a legal declaration that you have disclosed all information known to be material to patentability. If you have doubts about whether you need to disclose information, you should error on the side of full disclosure. This information not only satisfies the legal duty of candor and good faith in dealing with the U.S. patent office, this information also assists in preparing a better patent application. A better patent application can be prepared because we can emphasize the differences between your invention and these other technologies.

7. Advantages of the Invention

Since most inventions are improvements over the prior art, it is important that the advantages of the invention be provided to those reviewing the disclosure. A listing of such advantages is often pivotal to the successful prosecution of a patent application.

8. Problems solved by the Invention

A listing of the problems that may be solved by the invention will be of particular interest to the reviewers in evaluating the Invention Disclosures. Also, the existence of problems in the prior art that are solved by the invention can be of great assistance in obtaining patent protection.

9. Detailed description of the Invention

In order to assist the patent attorney in conducting a patentability study and in preparing a patent application, a detailed description of the invention must be provided. This description should describe in detail how to practice the invention. The description should also discuss the various parameters of the invention (e.g., time, pressure, temperature, ingredients and their proportions, apparatus, feedstock, treatment steps) and identify the permissible ranges for each parameter. If available, detailed examples showing actual bench or pilot scale practice of the invention should be included. If available, copies of technical reports or memoranda that summarize the invention should be attached.

10. Inventors

Please list the name(s) of each inventor and have the inventor sign this form. An inventor is one who contributes to the conception and/or the reduction to practice the invention. Should the decision be made to prepare a patent application, the patent attorney will independently investigate the identity of the true inventor(s).

11. Witnesses to the Invention Disclosure

It is important to have each Invention Disclosure reviewed and understood by at least two individuals. Neither of these individuals should be an inventor.

IP VIDEO GATEWAY

The IP Video Gateway provides a low cost solution to the problem of providing television access to up to four televisions within a home without having a set top box on each television. The gateway works in conjunction with an ION RISH or any broadband service provider's modem.

This design provides a system capable of supporting the following services:

1. Personal Video Recorder,
2. Simultaneous television access,
3. World Wide Web Access,
4. Video Mail,
5. Video on Demand Subscription,
6. Self Installation,
7. Internet Gaming,
- 8.

The following requirements must be met in the design of this system:

1. Support DHCP IAW RFC 2131 and 2132,
2. Four television tuners,
3. Support Personal Video Recorder services,
4. PCI Bus,
5. 6GB or larger hard disk,
6. Four Ethernet Interfaces (for port extenders), and
7. Two Ethernet Interface (Network Interface).

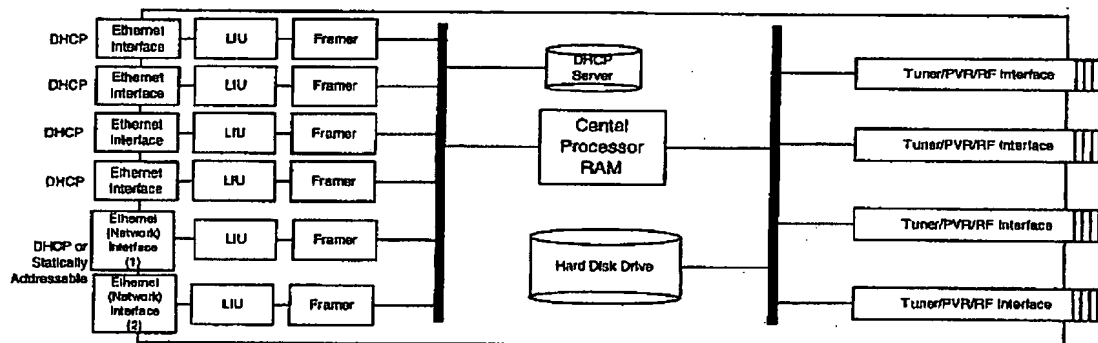


Figure 1 – Cat 5 Gateway

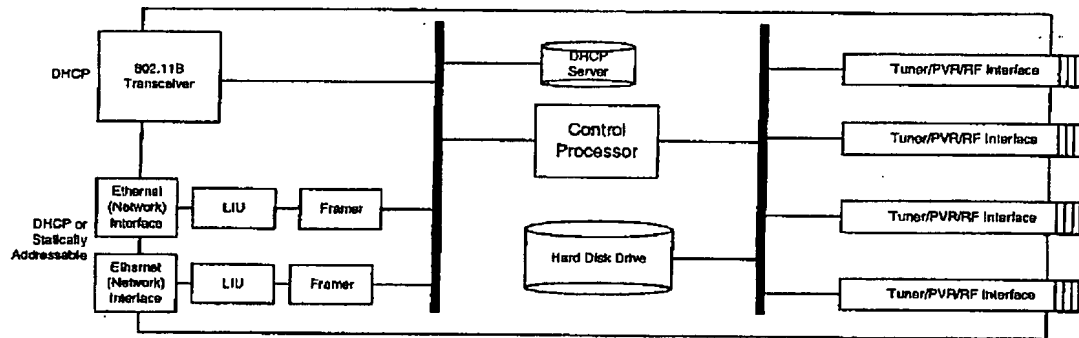


Figure 2 - Wireless Gateway

Method of Operation

1. The Gateway is installed at the users home preferably where the internal RF television cables are terminated service cable from the cable provider,
2. Terminate the RF cables from the individual televisions to the gateway (Note – Careful consideration should be made at this point as the Tuner is controlled by a specific remote),
3. Connect the Network Interface to the Broadband access modem,
4. The Gateway will either come on-line with a static address or request an address via DHCP.

Benefits

1. Eliminates the need for a set top box on each television,
2. Can be mounted out of view and even outside the home,
3. Low cost,
4. Highly functional in conjunction with the port extender,
5. Provides multiple network interfaces to support IP Video bandwidth requirements (2 DSL connections), and
6. Reduces bandwidth across the WAN by multicasting within the gateway when appropriate.

Port Extender and Remote Control Interface

This device provides a method for the user to attach peripheral devices to the Gateway and control the tuner and channel selection device using a standard RF remote control.

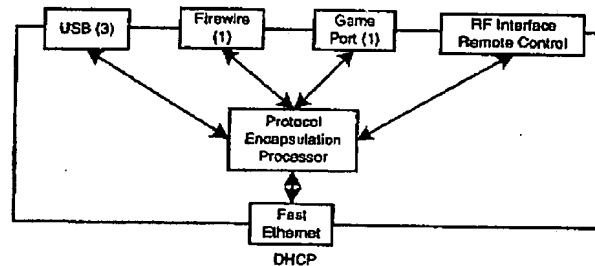


Figure 3 - Cat 5 Port Extender

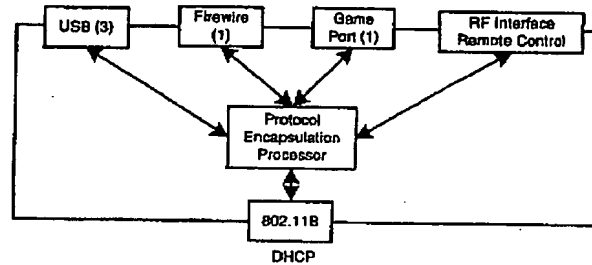


Figure 4 - Wireless Port Extender

Method of Operation

1. Connect the port extender to the Gateway via the Fast Ethernet Port or via 802.11B,
2. The Port Extender requests an IP address,
3. The Gateway issue a routable private IP address,
4. The Port Extender is coded to control a specific Tuner based upon the IP address,
5. The device is hidden from view,
6. Connect the appropriate peripheral devices.

Benefits

1. Provides termination point for keyboards, mouse, joysticks, video cameras, and other peripheral devices,
2. Substitutes for a PC in basic Internet access activities,
3. Low cost, and
4. Very small and can be hidden behind the entertainment island.